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October 22, 1992

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
Washington, D.C. 20554

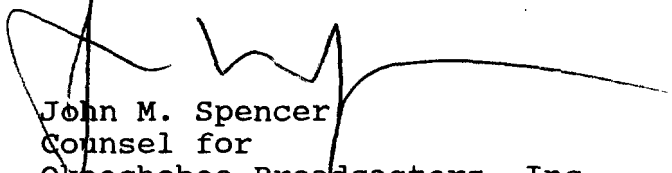
Re: MM Docket No. 92-203
FM Table of Allotments
Indiantown and Okeechobee, Florida
Our File No. 61010

Dear Ms. Searcy:

On behalf of Okeechobee Broadcasters, Inc., licensee of station WOKC-FM, Okeechobee, Florida, enclosed please find an original and four copies of comments on the Notice of Proposed Rule Making in the above-referenced proceeding

If any additional information is desired, please communicate with the undersigned.

Respectfully submitted,


John M. Spencer
Counsel for
Okeechobee Broadcasters, Inc.

Encls. (5)

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FM EXAMINERS

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In the Matter of)
)
Amendment of Rule 73.202(b)) MM Docket No. 92-203
Table of Allotments,) RM-8057
FM Broadcast Stations)
(Indiantown, Florida))

TO: Chief, Allocations Branch

COMMENTS

1. By Notice of Proposed Rule Making in the above-captioned proceeding, 7 FCC Rcd 5624 (1992), the Commission gave notice of a proposal by Okeechobee Broadcasters, Inc. ("Broadcasters") to reallocate channel 276C2 from Okeechobee, Florida, to Indiantown, Florida, and to modify the license of Broadcasters' station WOKC-FM accordingly. Broadcasters, by its attorney and pursuant to Rules 1.415 and 1.420, hereby comments in support of its proposal.

2. Reference point. In an effort to simplify consideration of its proposal, Broadcasters originally proposed to carry forward the same reference point specified for its class C2 allotment at Okeechobee.¹ However, petitioner has subsequently learned that this location entails a slight conflict with pending applications of stations WLOQ, Winter Park, Florida (FCC File No. BPH-920527IE),

¹ See Report and Order in MM Docket No. 89-434, 7 FCC Rcd 1970 (1992).

and WSGL, Naples, Florida (BPH-920527IG).

3. Since it was never Broadcasters' intention to create such conflicts, petitioner hereby amends its proposal to specify a new reference point that eliminates these conflicts, namely:

North latitude 27° 11' 55"

West longitude 80° 21' 37"

4. As discussed in the attached Engineering Exhibit of James M. Johnson, these reference coordinates satisfy all separations required by Rule 73.207, including in particular those relating to the proposals of WLOQ and WSGL, and would also afford 70 dBu service to all of Indiantown, as required by Rule 73.315(a).²

5. Section 307(b). Broadcasters' petition for rule making demonstrated Indiantown's status as a community deserving its own local transmission service. Petitioner wishes to take this opportunity to comment further on the impact of its proposal on the fair and equitable distribution of radio service mandated by Section 307(b) of the Communications Act of 1934, as amended.

6. First, Indiantown is not merely a suburban bedroom community for some nearby urban center. To the contrary, it is a relatively isolated rural community whose economy is based largely

² This slight change does not alter Broadcasters' pending application for construction permit, BPH-920527IH, which also complies with all applicable station assignment criteria for a station that would be licensed to Indiantown.

on providing a wide range of services and activities for the surrounding agricultural areas. To illustrate Indiantown's isolation, this table shows the distances to the nearest communities with local radio stations:

<u>Community</u>	<u>Distance (km)</u>	<u>Direction</u>
Stuart	27	Northeast
Jupiter	36	Southeast
Belle Glade	41	Southwest
Okeechobee	44	Northwest

7. As of the 1990 Census, Okeechobee and Indiantown were approximately equal-sized communities well outside Urbanized Areas. Extrapolating their 1980-1990 growth rates,³ Indiantown would have surpassed Okeechobee in population by early 1992. Yet despite the similar need for local broadcast service, Okeechobee has three stations, while Indiantown presently has none. The proposed reallocation will tend to correct this imbalance by moving one station (WOKC-FM) to Indiantown while leaving two (WOKC(AM) and WWFR(FM)) at Okeechobee.

8. Further, the proposed reallocation will accommodate changes in population distribution patterns that have occurred since WOKC-FM's channel was first allotted to Okeechobee in 1963,⁴ when

³ Approximately 1.5 percent annually for Okeechobee and 4.5 percent annually for Indiantown.

⁴ See Third Report, Memorandum Opinion and Order in Docket No. 14185, 40 FCC 747 (1963).

Indiantown was less than half the size of Okeechobee. Such flexibility in the FM Table of Allotments is particularly important in a fast-growing state like Florida, where allotment decisions made 30 years ago can easily be outpaced by population growth.⁵

9. Finally, the proposed reallocation will foster Broadcasters' ability to succeed as a business by broadening its home base of audience and advertising from one community to two (since WOKC(AM) will remain licensed to Okeechobee). This in turn will best ensure licensee's continued ability to meet the program needs of its service area.

10. For all the above reasons, the reallocation of WOKC-FM from Okeechobee to Indiantown clearly serves the public interest objectives of Section 307(b).

11. Continued interest. Broadcasters hereby reaffirms its interest in this proposal, and its intention to promptly file an appropriate application⁶ to implement the change upon its effectiveness.

12. Conclusion. Accordingly, Broadcasters asks the

⁵ As here, the option of allotting new channels is frequently not available, given the constraints of existing allotments and Rule 73.207. Moreover, the experience of Docket 90-90 has taught that new channels may cause more harm than good. In any event, here a reallocation can satisfy the changing need for local service.

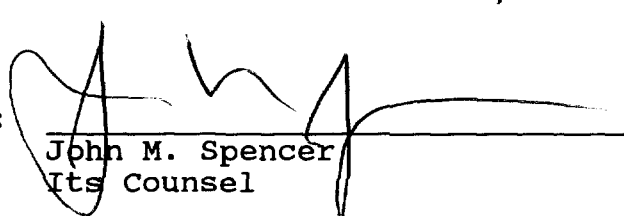
⁶ Or an amendment to BPH-920527IH if still pending at the time.

Commission to act promptly to reallocate FM channel 27.6 MHz from Okeechobee, Florida, to Indiantown, Florida; and to modify the license for WOKC-FM to specify operation on channel 27.6 MHz at Indiantown, Florida.

Respectfully submitted,

OKEECHOBEE BROADCASTERS, INC.

By:


John M. Spencer
Its Counsel

Leibowitz & Spencer
One S.E. Third Avenue, Suite 1450
Miami, Florida 33131
(305) 530-1322

October 22, 1992

ENGINEERING EXHIBIT
AMENDMENT TO PROPOSED RULEMAKING
OKEECHOBEE BROADCASTERS, INC.
RADIO STATION WOKC-FM
INDIANTOWN, FLORIDA

HAS: CHANNEL 276-C2, OKEECHOBEE, FL.
REQ: CHANNEL 276-C2, INDIANTOWN, FL.

OCTOBER, 1992

EXHIBIT "EE"

ENGINEERING EXHIBIT
PROPOSED RULEMAKING
OKEECHOBEE BROADCASTERS, INC.
INDIANTOWN, FLORIDA

The Engineering Data contained herein, has been prepared on behalf of Okeechobee Broadcasters, Inc., licensee of WOKC-FM, Okeechobee, Florida, in support of a suppliment to a Petition for Rulemaking to change the City of License to Indiantown, Florida and modify the license of WOKC-FM to reflect that change.

This amendment is supplied in order to clear the short spacing that exists to proposed applications of WSGL, Naples, Florida and WLOQ, Winter Park, Florida.

Studies were conducted and it was determined that the amended reference site as well as the site used in the upgrade application both provide Indiantown with the required 70 dBu contour. Specifically, the amended reference coordinates are:

N. Lat: 27-11-55

W. Lon: 80-21-37

Exhibit 1 is a tabulation which shows the required separations from the amended Indiantown Class "C2" reference location.

The proposed WOKC-FM assignment is mutually exclusive with the current WOKC-FM assignment.

JAMES M. JOHNSON & ASSOCIATES
3750 US 27 NORTH SEBRING FL 33870

EXHIBIT 1

WOKC-FM
PROPOSED NEW RM SITE FOR INDIANTOWN, FL

REFERENCE	CLASS C2	DISPLAY DATES
27 11 55 N		DATA 09-30-92
80 21 37 W	Current rules spacings	SEARCH 10-14-92
----- CHANNEL 276 -103.1 MHz -----		

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
DE276	276C2	Okeechobee	FL	276.2	16.98	190.0	-173.02 *
AD276	276C2	Indiantown	FL	276.2	16.98	190.0	-173.02 *
ALOPEN	276C2	Okeechobee	FL	276.2	16.98	190.0	-173.02 *
WOKCFM	276C2	Okeechobee	FL	277.6	17.50	190.0	-172.50 *
WOKCFM	276A	Okeechobee	FL	272.4	46.73	166.0	-119.27 *
WQOL.C	279C2	Vero Beach	FL	350.8	60.21	58.0	2.21 <
WSGL.A	276C3	Naples	FL	228.7	180.25	177.0	3.25
WLOQ.A	276C3	Winter Park	FL	324.3	183.07	177.0	6.07
ALOPEN	276C3	Naples	FL	226.3	187.69	177.0	10.69
ALOPEN	276C3	Winter Park	FL	323.1	189.61	177.0	12.61
WSGL	276A	Naples	FL	228.8	180.25	166.0	14.25
WLOQ	276A	Winter Park	FL	327.1	186.18	166.0	20.18
WSHE	278C	Fort Lauderdale	FL	173.7	137.35	105.0	32.35
WMXJ	274C	Pompano Beach	FL	173.7	137.35	105.0	32.35
DE277	277C	Bradenton	FL	279.9	222.39	188.0	34.39

AFFIDAVIT

State of Florida)
)
County of Palm Beach) SS:

James M. Johnson, having been duly sworn, deposes and says that:

1. He is a Broadcasting Consultant practicing in the City of Sebring, Florida, and his qualifications are a matter of record with the Federal Communications Commission.

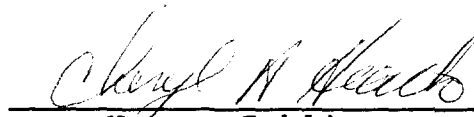
2. He has been retained by Okeechobee Broadcasters, Inc., to prepare the attached Engineering Exhibit.

3. He has prepared, or caused to be prepared under his immediate supervision, the accompanying exhibits which are attached to and form part of this affidavit.

4. The foregoing statements and the aforementioned exhibits are true to the best of his knowledge and belief.


James M. Johnson

Subscribed and sworn to this 14th day of October, 1992.


Notary Public
Cheryl A. Heath

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: Sept. 11, 1995.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

CERTIFICATE OF SERVICE

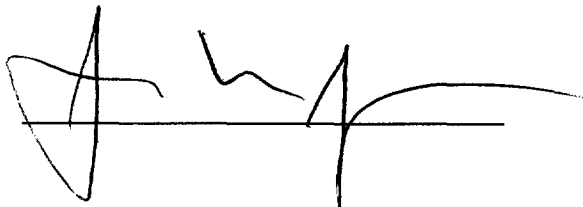
I, John M. Spencer, hereby certify that a copy of the attached Comments in MM Docket No. 92-203 were this 22nd day of October, 1992, sent to the following persons by First Class U.S. Mail, in fulfillment of the requirements of Rules 1.47 and 1.420:

Sterling Communications Corp.
368 Goodlette Rd. S. 522
Naples, Florida 33941

Donald E. Ward, Esq.
Post Office Box 286
Washington, D.C. 20044
Counsel for Sterling Communications Corp.

Gross Communications Corp.
170 West Faribanks Avenue
Winter Park, Florida 32789

John F. Garziglia, Esq.
Pepper & Corazzini
1776 K St., N.W.
Washington, D.C. 20006
Counsel for Gross Communications Corp.

A handwritten signature in black ink, appearing to be 'J. M. Spencer', written over a horizontal line.